

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTONIO PEARSON,	:
Plaintiff	:
v.	:Case No. 3:09-cv-54-KRG-KAP
SECRETARY BEARD, <u>et al.</u> ,	:
Defendants	:

MEMORANDUM ORDER

The motion filed at docket no. 55, was referred to Magistrate Judge Keith A. Pesto in accordance with the Magistrates Act, 28 U.S.C. § 636(b), and Local Civil Rule 72 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on February 11, 2013, docket no. 57, considering the untimely objections at docket no. 56 to be incorporated into the motion and recommending that the motion be denied.

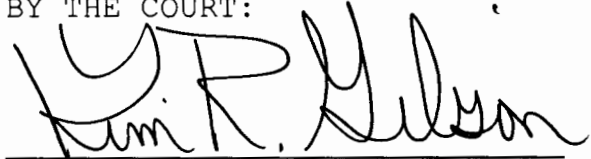
The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen days to file written objections to the Report and Recommendation. No objections have been filed and the time to do so has expired.

After review of the record and the Report and Recommendation, and noting the lack of timely objections, the following order is entered:

AND NOW, this 28th day of February, 2013, it is

ORDERED that the motion to reconsider or to vacate the judgment, docket no. 55, is denied. The Report and Recommendation is adopted as the opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Antonio Pearson BL-0521
S.C.I. Coal Township
1 Kelley Drive
Coal Township, PA 17866-1021